IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7399 OF 2006

Ambubai Balasahib Sutar ...Petitioner

vs.

Pritam N.Chhapru ...Respondent

Mr.Deepak Pandey i/b Mr.A.S.Rao for the Petitioner
Mr.V.N.Tayade for the Respondent.

CORAM: A.S.OKA,J.
DATE : FEBRUARY 5,2007.

P.C.:

1. Heard Advocates for the parties. The Petitioner is the defendant in a summary suit filed by the Respondent. The Trial court granted conditional leave by order dated 14th July 2006 to defend the suit subject to deposit of Rs.5,00,000/- on or before 29th September 2006. Admittedly, the Petitioner has deposited a sum of Rs.1,00,000/- within the time stipulated by the Trial Court. On 13th October 2006, the Petitioner applied for extension of time to deposit the balance amount. Time of six months was sought. The said Application has been rejected by the trial Court. In this Petitioner under Article 227 of Constitution of India, the order rejecting the Application for extension of time has been challenged. The learned Advocate for the Petitioner on instructions of the Petitioner states that the Petitioner will deposit the balance amount of Rs.4,00,000/- with the trial court within a period of two weeks from today. Statement is accepted. In my view, in the

light of the statement made by the Advocate for the Petitioner, one opportunity deserves to be granted to the Petitioner to deposit the amount as directed by the Trial Court.

2. Hence, I pass the following order :

i) Time granted by the Trial Court to deposit a sum of Rs.5,00,000/- is extended by a period of two weeks from today.

ii) If the Petitioner deposits balance amount of Rs.4,00,000/- within a period of two weeks from today with the Trial Court, the Petitioner will be entitled to defend the suit filed by the Respondent.

iii) It is made clear that no further extension will granted. If the deposit of the amount is not made within stipulated period, legal consequences will follow.

iv) Petition is partly allowed in above terms with no order as to costs.

JUDGE